

**From:** [Richard Angell](#)  
**To:** [Piggott, Amelia](#)  
**Cc:** [Hal J. Pos](#)  
**Subject:** RE: Uintah Mining District - SSID #A8E7 - TCFC LeaseCo LLC - General Notice Letter; 104(e) Request; Notice of Intent to File Lien  
**Date:** Friday, October 07, 2016 2:42:34 PM  
**Attachments:** [image001.png](#)  
[PBLEmailLogo\\_381f54fd-56d9-48a6-9d8b-e08dd8237d5.png](#)

---

Amelia,

Thank you. We appreciate it.

Best,

Rick

---

**From:** Piggott, Amelia [<mailto:Piggott.Amelia@epa.gov>]  
**Sent:** Friday, October 07, 2016 2:28 PM  
**To:** Richard Angell <[RAngell@parsonsbehle.com](mailto:RAngell@parsonsbehle.com)>  
**Cc:** Hal J. Pos <[HPos@parsonsbehle.com](mailto:HPos@parsonsbehle.com)>  
**Subject:** RE: Uintah Mining District - SSID #A8E7 - TCFC LeaseCo LLC - General Notice Letter; 104(e) Request; Notice of Intent to File Lien

Hi Rick,

Thanks for the voicemail and email. EPA agrees to extend the deadline a final time to Monday, October 31.

Thanks,

ap

Amelia Piggott  
Attorney  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
303.312.6410

---

**From:** Richard Angell [<mailto:RAngell@parsonsbehle.com>]  
**Sent:** Friday, October 07, 2016 11:24 AM  
**To:** Piggott, Amelia <[Piggott.Amelia@epa.gov](mailto:Piggott.Amelia@epa.gov)>  
**Cc:** Hal J. Pos <[HPos@parsonsbehle.com](mailto:HPos@parsonsbehle.com)>  
**Subject:** RE: Uintah Mining District - SSID #A8E7 - TCFC LeaseCo LLC - General Notice Letter; 104(e) Request; Notice of Intent to File Lien

Amelia,

I'm following up on the voicemail message I left you a few minutes ago. Would EPA be willing to extend this deadline for submittal to Monday, October 31? We encountered a few scheduling challenges that consumed more time than expected. Please let me know if EPA agrees to this new deadline. Thank you for your consideration of this request.

Best,

Rick

---

**From:** Piggott, Amelia [<mailto:Piggott.Amelia@epa.gov>]  
**Sent:** Monday, September 19, 2016 2:19 PM  
**To:** Richard Angell <[RAngell@parsonsbehle.com](mailto:RAngell@parsonsbehle.com)>  
**Cc:** Hal J. Pos <[HPos@parsonsbehle.com](mailto:HPos@parsonsbehle.com)>  
**Subject:** RE: Uintah Mining District - SSID #A8E7 - TCFC LeaseCo LLC - General Notice Letter; 104(e) Request; Notice of Intent to File Lien

Hi Rick,

EPA confirms the extension until October 11, 2016.

Thanks,

ap

Amelia Piggott  
Attorney  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
303.312.6410

---

**From:** Richard Angell [<mailto:RAngell@parsonsbehle.com>]  
**Sent:** Monday, September 19, 2016 3:15 PM  
**To:** Piggott, Amelia <[Piggott.Amelia@epa.gov](mailto:Piggott.Amelia@epa.gov)>  
**Cc:** Hal J. Pos <[HPos@parsonsbehle.com](mailto:HPos@parsonsbehle.com)>  
**Subject:** RE: Uintah Mining District - SSID #A8E7 - TCFC LeaseCo LLC - General Notice Letter; 104(e) Request; Notice of Intent to File Lien

Amelia,

Thanks for taking my call this afternoon. I'm just writing to confirm your agreement on behalf of EPA to provide an additional two-week extension for TCFC LeaseCo LLC to respond to the 104(e) as originally discussed below. Accounting for the Columbus Day federal holiday, the new submission deadline is Tuesday, October 11, 2016. Please let me know if your understanding is any different than this email. Thank you for your cooperation.

Best,

Rick

---

**From:** Piggott, Amelia [<mailto:Piggott.Amelia@epa.gov>]  
**Sent:** Thursday, August 04, 2016 3:30 PM  
**To:** Richard Angell <[RAngell@parsonsbehle.com](mailto:RAngell@parsonsbehle.com)>  
**Cc:** Hal J. Pos <[HPos@parsonsbehle.com](mailto:HPos@parsonsbehle.com)>  
**Subject:** RE: Uintah Mining District - SSID #A8E7 - TCFC LeaseCo LLC - General Notice Letter; 104(e) Request; Notice of Intent to File Lien

Sounds good, thanks. I also heard back from everyone on my end- EPA agrees to a thirty day extension of time for response to the 104(e) with the phased approach articulated below. With respect to the liens, we agree that we need to fully understand the ownership issues within the Site. If for any reason we gather any information or circumstances change such that we would need to move forward in a more expedited manner, I will let you know.

Thanks,

ap

Amelia Piggott  
Attorney  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
303.312.6410

---

**From:** Richard Angell [<mailto:RAngell@parsonsbehle.com>]  
**Sent:** Thursday, August 04, 2016 2:48 PM  
**To:** Piggott, Amelia <[Piggott.Amelia@epa.gov](mailto:Piggott.Amelia@epa.gov)>  
**Cc:** Hal J. Pos <[HPos@parsonsbehle.com](mailto:HPos@parsonsbehle.com)>  
**Subject:** RE: Uintah Mining District - SSID #A8E7 - TCFC LeaseCo LLC - General Notice Letter; 104(e) Request; Notice of Intent to File Lien

Amelia,

Thanks for the update and providing the additional information. We're getting up to speed and will be back in touch soon with any questions. Thank you.

Best,

Rick

---

**From:** Piggott, Amelia [<mailto:Piggott.Amelia@epa.gov>]  
**Sent:** Thursday, August 04, 2016 12:32 PM

**To:** Richard Angell <RAngell@parsonsbehle.com>

**Cc:** Hal J. Pos <HPos@parsonsbehle.com>

**Subject:** RE: Uintah Mining District - SSID #A8E7 - TCFC LeaseCo LLC - General Notice Letter; 104(e) Request; Notice of Intent to File Lien

Rick,

Thanks for your email. I'm still confirming with everyone on my end that the approach you outline is acceptable, and will let you know as soon as possible. In the meantime, I'm attaching several documents related to the Uintah Mining District Site. They include past costs up to 2.28.15 (so there will be more past costs associated with the gap in time from 2.28.15 until the effective date of the AOC in September, 2015), as well as the notice of work takeover EPA issued to United Park. I'm also including the lien notice we sent to United Park in January. Below is the OSC website for the Site, as well as the EPA website containing links to the original and amended Uintah AOC. I'm checking in with the OSC regarding the updated work plan, and will send that along as soon as I have a copy.

[https://www.epaosc.org/site/site\\_profile.aspx?site\\_id=9291](https://www.epaosc.org/site/site_profile.aspx?site_id=9291)

<https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/07a828025febe17885257562006fff58/605b4c87d81b7dbb85257ec1001bc7d6!OpenDocument>

As I said on the phone, EPA's interests are in making sure the work on the mountain gets done to the extent possible this construction season, and understanding United Park and other PRPs' ability to pay for cleanup. UPCM is working to address the deficiencies we've identified, and we are optimistic that everything within the Uintah Site will be addressed. Should other issues arise that lead to EPA again having to invoke the work takeover provisions, we would definitely be interested in further discussions with TCFC to follow up on your potential escrow idea. In the meantime, I'll get back to you regarding your proposed approach as soon as possible. Please let me know if you have any questions on the documents I'm providing.

Thanks,

ap

Amelia Piggott  
Attorney  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
303.312.6410

---

**From:** Richard Angell [<mailto:RAngell@parsonsbehle.com>]

**Sent:** Thursday, August 04, 2016 11:11 AM

**To:** Piggott, Amelia <[Piggott.Amelia@epa.gov](mailto:Piggott.Amelia@epa.gov)>

**Cc:** Hal J. Pos <[HPos@parsonsbehle.com](mailto:HPos@parsonsbehle.com)>

**Subject:** Uintah Mining District - SSID #A8E7 - TCFC LeaseCo LLC - General Notice Letter; 104(e) Request; Notice of Intent to File Lien

Amelia:

Thank you for speaking about the Uintah Mining District Site with me and Hal Pos this morning. We want to ensure that EPA receives a timely response from TCFC LeaseCo LLC regarding the "General Notice Letter; Request for Information; Pursuant to Section 104(e) of CERCLA; and Notice of Intent to File Lien, Uintah Mining District Site, Summit County, Utah, SSID #A8E7" that EPA sent on July 26, 2016.

As we discussed during our call, there are important distinctions concerning property boundaries and ownership that affect what property is potentially subject to a CERCLA 107(l) lien for costs related to the United Park City Mines ("UPCM") Uintah Mining District Site AOC (CERCLA Dkt. No. CERCLA-08-2015-0008) as well as the PRP status of other parties such as TCFC LeaseCo LLC. This information is not accurately described on the Summit County Recorder's website and we will provide the necessary documents and information to correctly identify the different parcels and ownership interests. The responses to the 104(e) questions are directly related to the issue of what property is potentially covered by a CERCLA 107(l) lien and what property is separate from this lien authority.

Accordingly, we would like to confirm whether the schedule we discussed with you for responding to the 104(e) request and the notice of the 107(l) lien is acceptable to EPA. We propose the following schedule:

1. TCFC LeaseCo LLC is granted a 30 day extension to respond to the 104(e) request, resulting in a deadline of September 26, 2016.
  - a. The 104(e) response will cover Questions 1 – 9, 11, and 12.
  - b. Questions 10, 13, and 14 – 17 will be deferred until after EPA has reviewed TCFC LeaseCo LLC's other 104(e) responses and determined whether it agrees that TCFC LeaseCo LLC is not a PRP and whether ability-to-pay information is required at that point.
2. EPA will not proceed further towards recording a CERCLA 107(l) lien on the property described in its July 26 Notice of Lien until after it has reviewed TCFC LeaseCo LLC's responses to 104(e) Questions 1 – 9, 11, and 12.
  - a. EPA and TCFC LeaseCo LLC will meet to discuss the 104(e) responses and the applicability of any CERCLA 107(l) liens before any liens are recorded.
  - b. TCFC LeaseCo LLC will continue to ensure UPCM has any necessary access across TCFC Lease Co LLC's lands to reach UPCM property subject to the AOC, which forms the basis of EPA's lien notice and information requests. We can also discuss whether there are alternatives to a CERCLA 107(l) lien for addressing EPA's cost recovery concerns.

Please let us know if you have any questions about this proposal or if EPA agrees with this schedule. We also look forward to receiving the additional information about work and costs at the Uintah Mining District Site, including the Amended AOC and related Work Plans, that we discussed on the phone when you are able to send it. Thank you for your cooperation and we look forward to working with you to resolve this matter.

Best Regards,

Rick



A Professional  
Law Corporation

**Richard Angell | Attorney at Law | Admitted in Utah, Nevada, Arizona, Wyoming and Montana**  
**Parsons Behle & Latimer**

201 South Main Street, Suite 1800 | Salt Lake City, Utah 84111  
Main 801.532.1234 | Direct 801.536.6754 | Fax 801.536.6111

[parsonsbehle.com](http://parsonsbehle.com) | [RAngell@parsonsbehle.com](mailto:RAngell@parsonsbehle.com) | [vCard](#)

---

CONFIDENTIALITY NOTICE: This electronic mail message and any attachment(s) are confidential and may also contain privileged attorney-client information or work product. The message is intended only for the use of the addressee. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you may not use, distribute, or copy this communication. If you have received the message in error, please immediately notify us by reply electronic mail or by telephone at 801.532.1234, and delete this original message.

---